

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN LARRY JENT**, on March 2, 2005 at 8:00 A.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Larry Jent, Chairman (D)
Rep. Dee L. Brown, Vice Chairman (R)
Rep. Veronica Small-Eastman, Vice Chairman (D)
Rep. Joan Andersen (R)
Rep. Mary Caferro (D)
Rep. Sue Dickenson (D)
Rep. Emelie Eaton (D)
Rep. Gordon R. Hendrick (R)
Rep. Teresa K. Henry (D)
Rep. Hal Jacobson (D)
Rep. William J. Jones (R)
Rep. Gary MacLaren (R)
Rep. Bruce Malcolm (R)
Rep. Alan Olson (R)
Rep. Bernie Olson (R)

Members Excused: None.

Members Absent: Rep. Robin Hamilton (D)

Staff Present: Sheri Heffelfinger, Legislative Branch
Marion Mood, Committee Secretary
Transcribed by Lindsey Grovom

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 752, 2/22/2005; HB 754,
2/22/2005; SB 16, 2/22/2005
Executive Action: None.

HEARING ON HB 752

Opening Statement by Sponsor:

REP. TIM CALLAHAN (D), HD 21, opened the hearing on **HB 752**, Loan to Supreme Court for financing Information Technology (IT) improvements in Judicial Branch. He stated that this loan would be paid back over six years using funds collected from the one-dollar increase on fees charged for motor vehicle lean filings, title certificates, and replacement title certificates.

Proponents' Testimony:

Jim Oppedahl, Department of Justice, Supreme Court, referred back to House Bill 536 and thanked the Committee for their support. He went through a fact sheet defining in his view, positive points in the bill, and asked for support of HB 752.

EXHIBIT(sth46a01)

{Tape: 1; Side: A; Approx. Time Counter: 10 - 21}

Mary Phippin, Montana Association of Clerks of District Court, supported this bill wholeheartedly.

Ted Clack, Montana Magistrates Association, asked that the Committee pass recommendation on the bill.

Mike Boyer, Department of Administration, said that he had been working on a number of proposals within the scope of the bill and recommended positive action by the Committee. He remarked that the bill would bring the courts into alignment with well-established state technology standards and also make use of existing enterprise services which would lower the total cost for the state.

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

REP. DEE BROWN, HD 3, HUNGRY HORSE, asked Jim Oppendahl if any of the money would pay for additional FTEs for IT training. **Mr. Oppendahl** answered that it would not. **REP. BROWN** went on to ask for the total amount of funds being asked of the legislature by the Department of Justice for funding the IT projects. **Mr. Oppendahl** replied that they were asking for \$2.2 million in

fiscal year 2006, and \$2.6 million in fiscal year 2007 for the ongoing maintenance budget; it was a general fund request in HB 2. There was also a one-time-only amount of \$1.3 million that would pay for the deployment of the FullCourt and the licensing costs for FullCourt in the district. The \$3.1 million over a six-year period would procure and deploy state-compliant systems.

REP. DEE BROWN asked Jim Oppendahl if the total cost in the proposal was \$9.2 million. **Mr. Oppendahl** said that was correct and the reason could be found by going back historically and looking at the funding of courts. In 2002, Montana spent \$126 million on IT. \$123 million of that was in the Executive Branch, \$2 million was in the Legislative Branch, and less than a million dollars was in the Judiciary. With modernization and the needs of the courts, this was a way of putting forth what is needed. **REP. BROWN** remarked that she saw this as a "Christmas shopping list" and asked Mr. Oppendahl if he realized that when the bill goes to the Appropriations Committee, he may not get his \$9.2 million. **Mr. Oppendahl** replied that he was realistic about the whole process. However, he wants to adequately portray what the Department needs.

REP. DEE BROWN asked the Sponsor about the funding sources on the fiscal note. She wondered if the dollar increase on fees for motor vehicle lean filing, title certificates, and replacement title certificates, meant a dollar for each of those things.

REP. CALLAHAN said "Yes."

REP. SUE DICKENSON, HD 25, GREAT FALLS, asked the Sponsor a question concerning the one-dollar fee, if that would be adequate to cover the cost of this loan over the proposed time period.

REP. CALLAHAN assumed the numbers had been crunched and that the figures were adequate to cover the payback on that loan. **REP. DICKENSON** pointed out Page 3, Line 4, a Section which will become effective July 1, 2011. Also on Page 4 there is another Section effective July 1, 2013. She wondered what was behind the differing time frame. **REP. CALLAHAN** answered that the Code Commissioner had decided that the cleanest thing to do would be to put the different beginning and termination dates at the various phases rather than trying to add amendments to the bill.

REP. DICKENSON asked Jim Oppendahl how the expenditure would make justice more approachable. **Mr. Oppendahl** gave an example of two judges covering seven counties. If those judges did not have the information electronically, they would have to travel the 100-200 miles themselves. He said that information has to be able to travel electronically.

{Tape: 1; Side: A; Approx. Time Counter: 21 - 25}

REP. BERNIE OLSON, HD 10, LAKESIDE asked Mr. Oppedahl to determine what the costs would be in the future, and whether this would be a one-time thing or if updates would be needed in the future on the equipment. **Mr. Oppedahl** explained a strategic plan that goes up to fiscal year 2009, which is a fairly long horizon in the technology era. The proposal was part of the ongoing plan.

REP. HAL JACOBSON, HD 82, HELENA had a question for Mr. Oppedahl concerning the 2003 Legislative Session. Legislation was then passed that mandated that IT contracts, if handled on a loan basis, could not reach obsolescence before the loan was paid off. He asked if Mr. Oppedahl felt the proposed software would fall into the perimeters of that. **Mr. Oppedahl** replied that he did; one of the proposals for District Court was a modern state standard Oracle database. It had a long life cycle and that was one of the requirements.

REP. JOAN ANDERSEN, HD 59, FROMBERG asked Mr. Oppedahl if savings could be expected as a result of the proposal. **Mr. Oppedahl** replied the savings in the long run are deferred to additional staff and additional judges. **REP. ANDERSEN** asked if perhaps some of these issues could be handled in a more timely fashion. **Mr. Oppedahl** answered, "Absolutely."

REP. DEE BROWN, HD 3, HUNGRY HORSE, asked Jim Oppedahl how this money would provide assistance in the IT area to the Department of Corrections. **Mr. Oppedahl** said that his court was in the middle and they seem to be a kind of "bottleneck" pushing paper. This said, it affects every branch of government and he gave an example of a prisoner being sent from the county down to the intake. They sit there until the paperwork catches up and they can find out what the actual judgment was. That all should go electronically from the court to the Department of Corrections.

REP. DEE BROWN asked Mr. Oppedahl if he was aware that the Department of Corrections dropped their IT request after the recent audit. **Mr. Oppedahl** said "Yes." **REP. BROWN** asked how that would affect the courts. **Mr. Oppedahl** thought that the Department of Corrections was a lot more automated than the courts; to the extent that it's more of a partnership in providing information, that helps them.

CHAIRMAN LARRY JENT, HD 64, BOZEMAN asked Jim Oppedahl if he envisioned something like the door system that is in the Federal Court for all the district courts in the state. **Mr. Oppedahl** was not familiar with that system.

{Tape: 1; Side: B; Approx. Time Counter: 1 - 12}

CHAIRMAN JENT asked Mr. Oppedahl if this had to do with the court's limited jurisdictions and the collections of fines in the municipal courts. **Mr. Oppedahl** answered affirmatively. **REP. JENT** asked how this was going to make the system more efficient and pay for itself. **Mr. Oppedahl** answered that it would allow information that started in local law enforcement to be electronically transferred so the citation that comes from local law enforcement would go electronically into the court.

CHAIRMAN JENT asked Jim Oppedahl how he intended to use the particular appropriation to make that collection activity happen on the ground. **Mr. Oppedahl** said that in terms of the bill, there was nothing in it for the collection fees. They do have in FullCourt a piece of it that looks at the amounts that are due and sends letters out and tries to enhance the collections from the system. **REP. JENT** referred to the calendaring system and asked if he would be able to get on the calendaring system to see if one of his cases is settled. **Mr. Oppedahl** affirmed that he would.

CHAIRMAN JENT read from Exhibit 1 that the Montana Supreme Court currently has no automated case-management system. He asked Jim Oppedahl if that was right. **Mr. Oppedahl** claimed that he wouldn't call what they have a case-management system. There is no way to do any workflow management, statistics or anything found in an automated case-managements system. **REP. JENT** claimed to be somewhat skeptical that they do not have something already. **Mr. Oppedahl** replied that the calendar system that they've looked at was developed by the National Center for State Courts and it can be deployed and sold to hundreds of courts around the country. The cost of that is fairly reasonable.

(REPRESENTATIVE BERNIE OLSON left the meeting at 8:35 A.M.)

Closing by Sponsor:

REP. CALLAHAN closed saying that he didn't think it was over the top, but in reality it was the "bare bones" of what is required to address the IT needs.

(CHAIRMAN JENT left the meeting at 8:40 A.M.)

HEARING ON SB 16Opening Statement by Sponsor:

SEN. JOSEPH (JOE) TROPILA (D), SD 13, opened the hearing on **SB 16**, Restrict public service announcements by certain elected officials. He stated that public monies are used for public service announcements and it looked like directors and state officials were trying to further themselves by gaining an office or simply staying in office for a longer period of time. He believed they should be stopped from using public service announcements to further their own political ambitions.

[EXHIBIT](#)(sth46a02)

{Tape: 1; Side: B; Approx. Time Counter: 12 - 21}

Proponents' Testimony:

Betsy Baumgart, Department of Commerce, presented an amendment that addressed Section 4, Page 2, Lines 12-16.

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

REP. BRUCE MALCOLM, HD 61, EMIGRANT, asked the Sponsor why this could not be done through the Commissioner of Political Practices. **SEN. TROPILA** was not sure.

REP. SUE DICKENSON, HD 25, GREAT FALLS asked if the question could be referred to the Commissioner of Political Practices. **Gordon Higgins, Commissioner of Political Practices**, answered that he did not think that there was an appropriate statutory reference pointing to what the Sponsor wished to regulate.

REP. DICKENSON referenced the last election and a State administrator who put out DUI ads as part of public service announcements. She wanted to know if those ads would be prohibited. **SEN. TROPILA** replied that they would not. **REP. DICKENSON** followed up by asking if, for example, the head of DPHHS or the head of the Department of Transportation would be restricted. **SEN. TROPILA** answered that was correct.

REP. HAL JACOBSON, HD 82, HELENA asked **SEN. TROPILA** if, in his estimation, ads encouraging people to vote would fall under the parameters of this new language. **SEN. TROPILA** replied that his

committee felt that it did, though the Department of Commerce felt otherwise. Such ads may be used prior to the candidate applying to run for office.

REP. BROWN said she had a problem with exceptions in the amendments to the Senate bill. She used an example of famous people who live in Montana part-time and could participate in political ads in an effort to boost a candidate's campaign.

Closing by Sponsor:

SEN. TROPILA closed by saying that the Senate Committee passed the bill unanimously and he would like to see the same happen in the House.

{Tape: 1; Side: B; Approx. Time Counter: 21 - 30}

HEARING ON HB 754

Opening Statement by Sponsor:

REP. ROGER KOOPMAN (R), HD 70, opened the hearing on **HB 754**, Require certain candidates to take a test on the constitutions of Montana and the United States. He said that it seemed to him if a person is taking the oath, they should know what they are defending. The purpose of the bill was to hopefully elevate the level of constitutional understanding that each person has in various government positions, including the legislature. He had a small amendment on Page 1, Line 24 to change the scoring of the test so that it is done by the Secretary of State's Office.

EXHIBIT(sth46a03)

{Tape: 2; Side: A; Approx. Time Counter: 1 - 30}

Proponents' Testimony: None.

Opponents' Testimony: None.

Informational Testimony:

Mark Simonich, Chief Policy Advisor, Secretary of State's Office, stated that Secretary of State Brad Johnson had made it clear that he was very willing to carry out the responsibility if the legislature chose to enact it. However, there were three technical issues that he brought before the Committee:

1) The bill would allow the Secretary of State's Office to establish a fee for the test. The fee would only cover the cost of administering the test.

2) The bill would provide that those fees collected then come to the State and be put into State funds solely for the administration of the test. That would possibly mean that there would have to be a mechanism to reimburse the counties for their portion of the cost of administering it.

3) All of the types of candidates that are named in the bill are required to file for office with the Secretary of State. The bill would allow those individuals either to take the test at the local county courthouse or at the Secretary of State's Office, but then they have to file for office with the Secretary of State.

There was a timing issue with the county sending the test and allowing enough time to score it. He felt there would need to be a cut-off date to ensure all the scoring and filing was done before the deadline for candidates running for office.

(CHAIRMAN JENT returned to the meeting at 9:20 A.M.)

Questions from Committee Members and Responses:

REP. WILLIAM JONES, HD 9, BIGFORK, conveyed to Mark Simonich that there were a number of unopposed candidates in the primary and asked if he knew of the exact number. **Mr. Simonich** replied that he didn't have that exact number but estimated that approximately 150-300 people in any given election would be needing to take the test. **REP. JONES** went on to ask for the number that filed in the last election and wondered if this would discourage participation in areas where there were already very few candidates running for office. **Mark Simonich** stated that he would do his best to come up with the information requested. **REP. JONES** followed up by asking if there were school districts and conservation districts where the members came from different counties. **Mr. Simonich** responded that may be the case but he would not be administering that. However, he would see about getting information on that.

REP. TERESA HENRY, HD 96, MISSOULA, referenced Page 3, Line 12 and asked Mr. Simonich about his plan to cover the costs of administering the tests. **Mr. Simonich** answered that their ballpark range of cost was estimated at \$50-\$100.

REP. DEE BROWN, HD 3, HUNGRY HORSE, asked the Sponsor if he would be amenable to working with the Secretary of State on the concerns brought forth by the Committee. **REP. KOOPMAN** expressed that he would. **REP. BROWN** followed up by asking if at each term, the test would be required. **REP. KOOPMAN** verified that was the

way it was written. **REP. BROWN** inquired if this test could be the indication to the people of one's district that they are in fact running for office. **REP. KOOPMAN** responded that he thought by requiring the test, it could cause candidates to get their filings done sooner instead of waiting until the last minute. **REP. BROWN** asked if this could cause problems if the candidate's test scores were published in newspaper headlines. **REP. KOOPMAN** answered that there will not be a "passing score" on the test. It will not be terribly difficult. **REP. BROWN** asked that prior to executive action on the bill, **REP. KOOPMAN** make a sample five-question test that could be evaluated. **REP. KOOPMAN** said he would be willing to do that.

REP. VERONICA SMALL-EASTMAN, HD 42, LODGE GRASS, asked the Sponsor if there were other states following this procedure. **REP. KOOPMAN** answered that he did not know.

REP. SUE DICKENSON, HD 25, GREAT FALLS, inquired about the Sponsor's motivation in passing this legislation if in fact it did not affect a candidate's ability to serve in the event that the test is failed. **REP. KOOPMAN** expressed that he believed it is good to put certain control on law makers.

REP. WILLIAM JONES, HD 9, BIGFORK, claimed to be puzzled over bills that do not involve revenue or taxation being heard after transmittal. **REP. JENT** replied that this involves revenue as it requires a fee.

REP. HAL JACOBSON, HD 82, HELENA, asked **REP. KOOPMAN** how subjective questions would be dealt with as opposed to objective questions. **REP. KOOPMAN** informed **REP. JACOBSON** that it will be a primarily objective test. **REP. JACOBSON** remarked that he wasn't sure how one delved into a candidate's knowledge of the constitution through objective questions. **REP. KOOPMAN** answered that he does not believe that would be difficult.

REP. ANDERSEN asked the Sponsor how he envisioned the test scores to be disclosed. **REP. KOOPMAN** related that he envisions it to work the same way as finance reports, which the media can peruse if they wish.

(**REP. ALAN OLSON** left the meeting at 9:35 A.M.)

REP. GORDON HENDRICK, HD 14, SUPERIOR, questioned the Sponsor regarding the problem of a candidate who was very knowledgeable with the Constitution but perhaps had problems taking the test. He wondered how that would be reflected in the newspaper headlines. **REP. KOOPMAN** did not see a problem with that. **REP.**

HENDRICK asked where this bill originated. **REP. KOOPMAN** replied that this bill came directly from his own ideas.

CHAIRMAN JENT, indicated that the bill requires that the candidate have a working knowledge of the Constitution. He provided an example and asked if that was perhaps a valid test question. **REP. KOOPMAN** responded that it seemed unreasonable.

{Tape: 2; Side: B; Approx. Time Counter: 1 - 3}

Closing by Sponsor:

REP. KOOPMAN closed by saying that it is important for candidates to have a solid, working knowledge of the Constitution.

(A compiling of answers to questions presented to Mark Simonich was given to the secretary March 3, 2005.)

EXHIBIT(sth46a04)

ADJOURNMENT

Adjournment: 9:50 A.M.

REP. LARRY JENT, Chairman

LINDSEY GROVOM, Transcriptionist

LJ/mm

Additional Exhibits:

EXHIBIT ([sth46aad0.TIF](#))